

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 61st LEGISLATURE - REGULAR SESSION**

#### **JOINT APPROPRIATIONS SUBCOMMITTEE ON LONG-RANGE PLANNING**

##### **Call to Order:**

**CHAIRMAN DAVE KASTEN**, on January 21, 2009 at 8:08 A.M., in Room 350 Capitol.

##### **ROLL CALL**

##### **Members Present:**

Rep. Dave Kasten, Chairman (R)  
Sen. Gregory D. Barkus, Vice Chairman (R)  
Sen. Mike Cooney (D)  
Rep. Dennis Getz (D)  
Rep. Walter McNutt (R)  
Rep. Jon C. Sesso (D)  
Sen. Carol Williams (D)

##### **Members Excused:**

Sen. John Brueggeman (R)

##### **Members Absent:** None

**Staff Present:** Catherine Duncan, Legislative Branch  
Christine Hultin-Brus, OBPP  
Mary Ann Mackay, Committee Secretary

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

##### **Committee Business Summary:**

Hearing & Date Posted: HB 8, HB 7, 1/16/2009

Executive Action: None

00:00:03 Chairman Kasten

**HEARING ON HB 8**

**Opening Statement by Sponsor:**

00:00:31 Rep. Walter McNutt (R), HD 37, opened the hearing on HB 8, Renewable resource bonds and loans.

00:01:31 Chairman Kasten

00:01:40 Ms. Alice Stanley, Chief, Resource Development Bureau, Department of Natural Resources and Conservation (DNRC)

00:03:46 Chairman Kasten

00:03:55 Ms. Anna Miller, Bureau Chief, Loan and Financial Management Bureau, DNRC

**EXHIBIT(jlh14a01)**

**EXHIBIT(jlh14a02)**

00:12:19 Chairman Kasten

00:12:45 Mr. Bob Fisher, Civil Engineer Specialist, Resource Development Bureau, DNRC

00:15:59 Chairman Kasten

00:16:07 Ms. Duncan

00:18:30 Chairman Kasten

**Hearing on Mill Creek Irrigation District**

00:18:42 Chairman Kasten

00:18:46 Mr. Evon Stephani, Commissioner, Mill Creek Irrigation District

**EXHIBIT(jlh14a03)**

00:21:08 Chairman Kasten

00:21:22 Mr. Tom Parker, Commissioner, Mill Creek Irrigation District

00:22:15 Chairman Kasten

00:22:22 Mr. Mike Oelrich, Engineer, Hydrometrics Engineering

00:23:19 Chairman Kasten

00:23:27 Mr. Mike Murphy, Montana Water Resources Association

00:23:45 Chairman Kasten

**Opponents' Testimony:** None

**Questions from Committee Members and Responses:**

00:24:01 Chairman Kasten

00:24:20 Ms. Miller

00:25:12 Chairman Kasten

00:25:27 Ms. Duncan

00:25:53 Chairman Kasten

**Hearing on Ruby Dam Loan**

00:25:57 Chairman Kasten  
00:26:12 Mr. John Tubbs, Administrator, Water Resources  
Division, DNRC

**EXHIBIT (j1h14a04)**

00:32:02 Rep. Bob Wagner, HD 71, Harrison  
00:33:16 Chairman Kasten  
00:33:23 Mr. Kevin Smith, Bureau Chief, State Water Projects  
Bureau, DNRC

**EXHIBIT (j1h14a05)**

00:40:31 Chairman Kasten  
00:40:37 Rep. Wagner  
00:41:00 Chairman Kasten  
00:41:26 Mr. Dan Doornbos, President, Ruby River Water Users  
00:43:21 Chairman Kasten  
00:43:34 Mr. Les Gilman, Board Member, Vigilante Water Users  
and business owner  
00:45:02 Chairman Kasten  
00:45:09 Mr. John Anderson, rancher, Decreed Water Users, Ruby  
Valley Conservation District  
00:45:59 Chairman Kasten  
00:46:08 Mr. Paul Moseley, Decreed and Controlled water user,  
Madison County Economic Development, and business owner  
00:47:04 Chairman Kasten  
00:47:10 Mr. Mark Aagenes, Montana Trout Unlimited  
00:47:47 Chairman Kasten

**Opponents' Testimony:** None

**Questions from Committee Members and Responses:**

00:48:04 Chairman Kasten  
00:48:39 Mr. Tubbs  
00:50:17 Chairman Kasten  
00:50:23 Mr. Tubbs  
00:50:28 Chairman Kasten  
00:50:32 Rep. Getz  
00:50:44 Mr. Tubbs  
00:51:46 Chairman Kasten  
00:51:48 Ms. Duncan  
00:52:06 Mr. Tubbs  
00:53:24 Chairman Kasten  
00:53:27 Ms. Duncan  
00:53:40 Mr. Tubbs  
00:54:39 Chairman Kasten  
00:54:51 Rep. Getz  
00:55:09 Mr. Tubbs  
00:55:34 Chairman Kasten

00:55:38 Ms. Duncan  
00:55:51 Mr. Tubbs  
00:56:08 Chairman Kasten

**Hearing on Daly Ditches**

00:56:59 Mr. Fischer  
00:57:35 Chairman Kasten

**Proponents' Testimony:**

00:57:59 Mr. Matt Jergeson, Morrison-Maierle Engineers, Daly  
Ditches Irrigation District  
01:01:15 Chairman Kasten

**Opponents' Testimony:** None

**Questions from Committee Members and Responses:**

01:01:41 Ms. Duncan  
01:02:00 Ms. Miller  
01:02:28 Ms. Duncan  
01:02:30 Ms. Miller  
01:02:39 Ms. Duncan  
01:02:44 Ms. Miller  
01:02:47 Chairman Kasten

**HEARING ON HB 7**

**Opening Statement by Sponsor:**

01:02: 52 Rep. Walter McNutt (R), HD 37, opened the hearing on  
HB 7, Reclamation and development grants and loans.

01:03:07 Chairman Kasten  
01:04:41 Ms. Stanley, Bureau Chief, Resource Development Bureau,  
DNRC

**EXHIBIT(jlh14a06)**

**Introduction to HB 7**

01:10:25 Ms. Stanley  
**EXHIBIT(jlh14a07)**  
01:13:57 Chairman Kasten  
01:14:08 Mr. Ray Beck, Administrator, Conservation and Resource  
Development Division, DNRC  
01:14:25 Chairman Kasten  
01:14:40 Mr. Greg Mills, Program Officer, Resource Development  
Bureau, DNRC

**EXHIBIT(jlh14a08)**

01:17:44 Chairman Kasten

01:18:07 Ms. Duncan

01:21:32 Chairman Kasten

01:21:38 Ms. Duncan

**EXHIBIT(jlh14a09)**

01:22:43 Chairman Kasten

**Hearing on Lewis and Clark Conservation District**

01:23:04 Mr. Mills

01:23:57 Chairman Kasten

**Proponents' Testimony:**

01:24:09 Mr. Stan Frasier, Chairman, Lewis and Clark  
Conservation District

01:26:43 Mr. Spence Hegstad, Executive Director, Montana Fish,  
Wildlife and Parks Foundation

01:28:41 Chairman Kasten

01:28:51 Mr. Jeff Tiberi, Executive Director, Montana  
Association of Conservation Districts

01:29:20 Chairman Kasten

01:29:23 Mr. Tiberi

01:29:28 Chairman Kasten

**Opponents' Testimony:** None

**Questions from Committee Members and Responses:** None

**Hearing on Ruby Valley Conservation District**

01:30:08 Mr. Mills

01:31:02 Chairman Kasten

**Proponents' Testimony:**

01:31:09 Ms. Norrjehan Parrwana, Director, Big Hole Watershed  
Committee

**EXHIBIT(jlh14a10)**

01:34:15 Chairman Kasten

01:34:21 Mr. John Anderson, Vice Chairman, Ruby Valley  
Conservation District

01:35:44 Chairman Kasten

01:35:52 Mr. Dick Marshall, Member, Big Hole Watershed Committee  
and Big Hole Ditch water user

01:36:21 Mr. Dave Ashcraft, President, Big Hole Cooperative  
Ditch Company and former ditch rider

01:40:00 Chairman Kasten

**Opponents' Testimony:** None

**Questions from Committee Members and Responses:**

01:40:14 Chairman Kasten  
01:41:24 Mr. Ashcraft  
01:41:29 Chairman Kasten  
01:41:33 Mr. Ashcraft  
01:42:40 Chairman Kasten  
01:42:53 Mr. Ashcraft  
01:43:12 Chairman Kasten

**Hearing on Montana DNRC-Water Resources Division**

01:43:40 Mr. Mills  
01:44:33 Chairman Kasten

**Proponents' Testimony:**

01:44:46 Mr. Tubbs  
01:46:09 Chairman Kasten  
01:46:18 Ms. Brenda Lindlief-Hall, attorney, Tongue River Water Users  
01:47:24 Chairman Kasten  
01:47:32 Ms. Beth Kaeding, Chairman, Northern Plains Resource Council on behalf of southeast Montana farmers and ranchers who irrigate with Tongue River water.

**EXHIBIT(jlh14a11)**

01:50:45 Chairman Kasten  
01:50:47 Mr. Art Compton, Administrator, Planning, Prevention and Assistance Division, DEQ  
01:52:02 Chairman Kasten  
01:52:09 Ms. Sarah Bond, Assistant Attorney General, Attorney General's Office

**Opponents' Testimony:** None

**Questions from Committee Members and Responses:**

01:53:59 Chairman Kasten  
01:54:37 Ms. Bond  
01:55:13 Rep. Getz  
01:55:19 Ms. Bond  
01:56:51 Chairman Kasten  
01:56:54 Rep. Getz  
01:57:03 Chairman Kasten  
01:57:21 Mr. Tubbs

**EXHIBIT(jlh14a12)**

01:58:48 Break

02:10:30 Reconvene

02:10:43 Chairman Kasten

**Hearing on Flathead Basin Commission**

02:10:53 Mr. Mills

02:11:43 Chairman Kasten

**Proponents' Testimony:**

02:11:50 Ms. Caryn Miske, Flathead Basin Commission

02:13:09 Chairman Kasten

02:13:14 Mr. Tubbs

02:14:37 Chairman Kasten

02:14:44 Mr. Larry Van Rinsum, Resource Conservationist,  
Flathead Conservation District

02:16:42 Chairman Kasten

02:16:48 Ms. Brianna Randall, Clark Fork Coalition

02:18:36 Chairman Kasten

**Opponents' Testimony:** None

**Questions from Committee Members and Responses:**

02:18:48 Chairman Kasten

02:19:07 Mr. Tubbs

02:19:14 Chairman Kasten

**Hearing on Jefferson County**

02:19:30 Mr. Mills

02:20:22 Chairman Kasten

**Proponents' Testimony:**

02:20:31 Mr. Ken Weber, Jefferson County Commissioner

02:22:53 Chairman Kasten

02:23:00 Rep. Scott Mendenhall, HD 77, Clancy

02:24:37 Chairman Kasten

02:24:48 Ms. Phyllis Lefohn, Clancy

02:30:07 Chairman Kasten

02:30:18 Dr. Allen Lefohn, Clancy

02:33:45 Chairman Kasten

**Opponents' Testimony:** None

**Questions from Committee Members and Responses:**

02:34:01 Sen. Cooney  
02:35:09 Rep. Mendenhall  
02:36:32 Sen. Cooney  
02:36:52 Rep. Mendenhall  
02:37:21 Sen. Cooney  
02:37:36 Rep. Mendenhall  
02:37:43 Chairman Kasten  
02:37:47 Mr. Weber  
02:38:18 Chairman Kasten  
02:38:23 Sen. Cooney  
02:38:44 Chairman Kasten  
02:38:47 Rep. Getz  
02:39:01 Dr. Lafohn  
02:40:18 Rep. Getz  
02:40:28 Dr. Lafohn  
02:41:06 Rep. Getz  
02:41:16 Dr. Lafohn  
02:42:00 Chairman Kasten

**Hearing on Meagher County Conservation District**

02:42:22 Mr. Mills  
02:42:59 Chairman Kasten

**Proponents' Testimony:**

02:43:16 Sen Dave Lewis, SD 42, Helena, Clark Fork Steering  
Committee  
02:44:49 Chairman Kasten  
02:45:02 Mr. Robert Dupea, Supervisor, Natural Resources and  
Conservation Service(NRCS) Board, Meagher County  
02:45:26 Mr. Ron Burns, rancher, White Sulphur Springs  
02:46:46 Chairman Kasten  
02:46:51 Mr. Otto Ohlson, retired NRCS and private consultant  
02:47:33 Rep. Harry Klock, HD 83, Harlowton

**Opponents' Testimony:** None

**Questions from Committee Members and Responses:** None

**Hearing on Custer County Conservation District**

02:48:11 Mr. Mills  
02:48:47 Chairman Kasten



**Proponents' Testimony:**

02:49:13 Ms. Nicole McClain, Yellowstone River Conservation  
District Council

**EXHIBIT(jlh14a13)**

02:54:30 Mr. Don Youngbauer, Forsyth, Chairman,  
Yellowstone River Conservation District Council

**EXHIBIT(jlh14a14)**

02:58:03 Chairman Kasten

**Opponents' Testimony:** None

**Questions from Committee Members and Responses:**

02:58:15 Sen. Barkus

02:58:40 Ms. Duncan

02:59:00 Chairman Kasten

**Hearing on Cascade County Commission**

02:59:50 Mr. Mills

03:00:26 Chairman Kasten

**Proponents' Testimony:** None

**Opponents' Testimony:** None

**Questions from Committee Members and Responses:** None

**Hearing on Butte-Silver Bow City-County Government**

03:00:59 Mr. Mills

03:02:22 Chairman Kasten

**Proponents' Testimony:**

03:02:40 Mr. Tom Mallloy, Butte-Silver Bow County Planning  
Department and super fund activities

03:07:05 Chairman Kasten

03:07:21 Ms. Suzzann Nordwick, Mine Waste Project Program and  
Butte Restoration Alliance

03:09:31 Chairman Kasten

03:09:42 Mr. Nick Joynes, Butte Restoration Alliance

**EXHIBIT(jlh14a15)**

03:10:52 Chairman Kasten

03:10:58 Rep. Sesso

03:13:28 Chairman Kasten

**Opponents' Testimony:** None

**Questions from Committee Members and Responses:**

03:13:41 Ms. Hultin-Brus  
03:13:58 Rep. Sesso  
03:15:05 Chairman Kasten

**Hearing on Carter County Conservation District**

03:15:23 Mr. Mills  
03:16:29 Chairman Kasten

**Proponents' Testimony:** None

**Opponents' Testimony:** None

**Hearing on Montana Department of Environmental Quality**

03:16:50 Mr. Mills  
03:18:13 Chairman Kasten

**Proponents' Testimony:**

03:18:22 Mr. Dave Feldman, Water Quality Planning Bureau, DEQ  
[EXHIBIT\(jlh14a16\)](#)  
[EXHIBIT\(jlh14a17\)](#)  
03:20:43 Chairman Kasten

**Opponents' Testimony:** None

**Questions from Committee Members and Responses:**

03:20:58 Sen. Barkus  
03:21:15 Mr. Feldman  
03:22:00 Chairman Kasten

**Public Comment:**

03:22:29 Rep. Robert Mehlhoff, HD 26, Great Falls, on behalf of  
Cascade County Commission request.  
03:25:02 Rep. Mehlhoff, on behalf of Upper and Lower River Road  
Water and Sewer District.  
03:27:55 Rep. Mehlhoff on behalf of Gore Hill Water Project.  
03:29:49 Chairman Kasten  
03:29:52 Ms. Linda Stoll, on behalf of Missoula County.  
03:31:45 Chairman Kasten  
03:31:54 Ms. Duncan  
03:33:48 Chairman Kasten  
03:33:53 Sen. Barkus

**Instructions to Staff:**

03:34:10 Ms. Duncan  
3:35:07 Chairman Kasten  
03:35:34 Rep. Getz  
03:35:41 Chairman Kasten  
03:35:44 Rep. Sesso  
03:37:01 Chairman Kasten  
03:37:15 Ms. Duncan

**Additional Documents:**

**ADJOURNMENT**

03:37:31 Adjournment:

---

MARY ANN MACKAY, Secretary

mm

Additional Documents:

**EXHIBIT ([jlh14aad.pdf](#))**